IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 18595 of 2007(L)

PETITIONER:

R. KANAKAMANI THAMPURATTY,
POONJAR KOVILAKAM, NOW RESIDING AT 41/696,
ST. MARTIN CHURCH ROAD, PLARIVATTOM,KOCHI-682025.

BY ADV. SRI.DINESH R.SHENOY
SRI.ROY MATHEW
SRI.V.V.UNNIKRISHNAN

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE PRINCIPAL SECRETARY,
REVENUE DEPARTMENT, GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

3. THE SECRETARY,
FOREST DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

4. THE DIVISIONAL FOREST OFFICER,
O/O. D.F.O., MUNNAR DIVISION, MUNNAR.

5. THE DISTRICT COLLECTOR,
IDUKKI DISTRICT, CIVIL STATION, IDUKKI.

6. THE SUB COLLECTOR,
DEVICOLAM, O/O. SUB COLLECTOR, DEVICOLAM.

BY SPL.G.P.FOR FOREST SRI.RANJITH THAMPAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO.18595 OF 2007

Dated this the 18th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P18 Notification issued by the Government of India under Section 4 of the Kerala Forest Act (for short 'the Act') for declaring certain properties alleged to be belonging to the petitioner as reserved forest.

2. I am not inclined to entertain this writ petition at this stage since the Act itself prescribes elaborate procedure for finalisation of the proceedings pursuant to the above Notification. A Forest Settlement Officer has been appointed by Ext.P18 Notification itself as provided under Section 4 of the Act and the Forest Settlement Officer is to issue a proclamation as prescribed by Section 6 of the Act. Section 8 of the Act postulates an enquiry by the Forest Settlement Officer after hearing the party concerned and passing of an order under Section 10 of the Act. If the order passed under Section 10 of the Act by the Forest Settlement Officer is adverse to the petitioner, the

petitioner has got an effective alternate remedy by way of an appeal before the District Court under Section 11 of the Act. Therefore, without prejudice to those rights of the petitioner under the Act, the writ petition is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007